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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,487	06/06/2001	Tracy L. Francis	5127	7168

7590 11/15/2004  
Milliken & Company  
P. O. Box 1927  
Spartanburg, SC 29304

EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Application No.</b> 09/875,487	<b>Applicant(s)</b> FRANCIS ET AL.	
<b>Examiner</b> Traci L Smith	<b>Art Unit</b> 3629	<i>MLW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 06 June 2001.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-27 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13, 16 and 18-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication US 2002002482 A1 Thomas; Filed July1, 1997.  
Method and Apparatus for Performing surveys electronically over a network.
2. As to claims 1 and 7 Thomas teaches communicating a survey to select participants and electronically receiving responses from participants(Pg. 1 ¶¶ 0012)
3. As to claims 22 and 27 Thomas teaches communicating a survey to select participants and electronically receiving responses from participants(Pg. 1 ¶¶ 0012) and teaches tabulating and storing responses(Pg. 3 ¶¶ 0037 and Pg 4 ¶¶ 0052).
4. As to claims 2, 9, 17 and 23 Thomas teaches selecting participants from a group(Pg. 4 ¶¶ 0047). Although Thomas doesn't explicitly teach the participants being within the architectural and design communities these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the participants selected. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

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5. As to claims 3-4, 10-11, 18-19 and 24 Thomas teaches an email notification of an available survey to participants.(Pg. 5 ¶¶ 0062).
6. As to claims 5, 12, 20 and 25 Thomas teaches web design documents communicated to participants(Pg. 6 ¶¶ 0076)
7. As to claims 6, 13, 21 and 26 Thomas teaches embedded commands(Pg 6 ¶¶ 0068).
8. As to claim 8 Thomas teaches tabulating and storing responses(Pg. 3 ¶¶ 0037 and Pg 4 ¶¶ 0052).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication US 2002002482 A1 Thomas; Filed July1, 1997. Method and Apparatus for Performing surveys electronically over a network as applied to claims 1-14, 16 and 18-27 above, and further in view of US Patent 6 189 029 B1; Furest; Feb. 13, 2001; Web Survey Tool and Result Compiler.
11. As to claim 14 Thomas teaches several different survey options. Furest teaches a survey tool system with a means for inputting text(C. 6 Fig. 8 Ref. 805). It would have been obvious to combine the teachings of Furest with Thomas so as to allow the

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collection of all possible data. Although Furest teaches the option of comments the examiners makes note that these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the survey method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

12. As to claims 15 and 17 Thomas teaches Thomas teaches communicating a survey to select participants and electronically receiving responses from participants(Pg. 1 ¶ 0012). Thomas fails to teach entered comments and the ability for the participant to purchase products/services. Furest teaches a survey tool system with a means for inputting text(C. 6 Fig. 8 Ref. 805) and requesting prices and completing transactions(C. 3. I. 32-35). It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Furest with Thomas to allow participants who are satisfied with the survey product easy access to receiving their own or similar products.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Non-Patent literature Proquest article "Using Market Research to make strategic decisions" Association Management June 2001. Foreign Patent GB 2

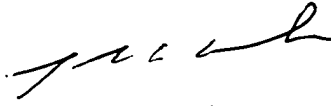
337 353; Matyas. "A method of generating product survey information in an electronic payment system"

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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